

Senator Scott K. Jenkins proposes the following substitute bill:

**CHIEF JUSTICE OF THE UTAH SUPREME**

**COURT APPOINTMENT**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill authorizes the governor to appoint the chief justice of the Utah Supreme Court.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the governor to appoint the chief justice of the Utah Supreme Court;
- ▶ extends the term of office of the chief justice;
- ▶ prevents a chief justice from serving successive terms;
- ▶ authorizes the chief justice to appoint the associate chief justice; and
- ▶ allows the associate chief justice to serve successive three-year terms.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-3-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **78A-3-101** is amended to read:

28 **78A-3-101. Number of justices -- Terms -- Chief justice and associate chief justice**  
29 **-- Selection and functions.**

30 (1) The Supreme Court consists of five justices.

31 (2) A justice of the Supreme Court shall be appointed initially to serve until the first  
32 general election held more than three years after the effective date of the appointment.

33 Thereafter, the term of office of a justice of the Supreme Court is 10 years and commences on  
34 the first Monday in January following the date of election. A justice whose term expires may  
35 serve upon request of the Judicial Council until a successor is appointed and qualified.

36 (3) (a) The [justices of the Supreme Court shall elect] governor shall appoint a chief  
37 justice from among the members of the [court by a majority vote of all justices] Supreme Court  
38 after June 30, 2011 and before August 1, 2011.

39 (b) The term of the office of chief justice is [four] six years. [The]

40 (c) A chief justice may not serve successive terms.

41 (d) The chief justice may resign from the office of chief justice without resigning from  
42 the Supreme Court. [The chief justice may be removed from the office of chief justice by a  
43 majority vote of all justices of the Supreme Court.]

44 (4) (a) When the office of chief justice becomes vacant, the governor shall appoint  
45 another justice to fill the unexpired term.

46 [(4)] (b) If the [justices are unable to elect] governor does not appoint a chief justice  
47 within 30 days of a vacancy in that office, the associate chief justice shall act as chief justice  
48 until:

49 (i) a chief justice is [elected] appointed under this section[-]; or

50 (ii) the remainder of the vacant term expires.

51 (5) If the associate chief justice is unable [or unwilling] to act as chief justice, the most  
52 senior justice shall act as chief justice until:

53 (a) a chief justice is [elected] appointed under this section[-]; or

54 (b) the remainder of the vacant term expires.

55 [(5)] (6) In addition to the chief justice's duties as a member of the Supreme Court, the  
56 chief justice has duties as provided by law.

57           ~~[(6)] (7) (a)~~ There is created the office of associate chief justice. ~~[The term of office of~~  
58 ~~the associate chief justice is two years.]~~

59           (b) (i) The associate chief justice shall serve a three year term.

60           (ii) The associate chief justice may serve [in that office no more than two] successive  
61 ~~terms. [The associate chief justice shall be elected by a majority vote of the members of the~~  
62 ~~Supreme Court and shall be allocated duties as the chief justice determines.]~~

63           (c) (i) The chief justice of the Supreme Court shall appoint the associate chief justice.

64           (ii) If the chief justice is absent or otherwise unable to serve, the associate chief justice  
65 ~~shall serve as chief justice.~~

66           (iii) The chief justice may delegate responsibilities to the associate chief justice as  
67 ~~consistent with law.~~

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**Fiscal Note**

**S.B. 109 1st Sub. (Green) - Chief Justice of the Utah Supreme Court  
Appointment**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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